

### REMARKS

Claims 1-5 are pending in the subject application. The Examiner objected to the oath on the grounds that it did not state the duty to disclose information material to patentability as defined in 37 C.F.R. §1.56.

Applicant submits herewith ("Exhibit B") a copy of the Declaration and Power of Attorney filed on August 27, 2007, stating Applicant's duty to disclose information material to patentability of the present application, *see* paragraph 5 of the Declaration. Accordingly, withdrawal of the objection is respectfully requested.

### Drawings

The Examiner objected to the drawings as failing to include the number reference --16-- contained in the specification (page 8, line 4). A replacement drawing FIG. 3 has been attached herein and includes the number reference --16--. Additionally, the Examiner objected to a noted inconsistency in FIGS. 4 and 5, which have been remedied in the replacement FIG. 5, illustrating element --102-- as replacing the previous element --100--. Support for this amendment may be found on page 11, lines 15-17, of the original specification, for example. Accordingly, the objections to the drawings should be withdrawn.

In addition to the replacement FIGS. 3 and 5 noted above, a replacement FIG. 1 is attached herein to accurately depict that the structural members 74 extend to and make contact with the vertically oriented lifting posts 14,16.

Additionally, new drawings FIGS. 7-9 are also attached herein which illustrate a run of shelving 201 positioned on the shelf lift and movement assembly 10. FIG. 9

illustrates the shelf lift and movement assembly 10 in a lowered position 215 and a raised position 217, as discussed in more detail below. Support for FIGS. 7-9 may be found on page 15, lines 5-20, of the originally filed specification, in addition to those portions of the specification discussed below, for example. No new matter has been added with FIGS. 7-9.

Claims 1-5 are Enabling

The Examiner rejected claims 1-5 under 35 USC §112, first paragraph, contending that the claims contain subject matter which is not described in the specification to enable one skilled in the art to make and/or use the invention. Applicant traverses this assertion, as the Examiner has overlooked portions of the specification, which adequately describe the claimed subject matter to enable one skilled in the art to make and/or use the invention.

In response to the Examiner's specific inquiries, new FIGS. 7-9 are attached herein. The following steps may be taken to attach the shelf lift and movement assembly 10 to a run of shelving 201. As illustrated in FIGS. 7-8, initially, the shelf lift and movement assembly 10 is to be positioned on the run of shelving 201 such that a pair of flanges 60,62 of the angle members 54,56 securely engage a pair of kick plates 209,211 along the base of the run of shelving 201 (page 9, lines 9-12; page 15, lines 6-9).

A pair of transverse elements 94,96 are subsequently positioned across the width of a shelving unit 201 adjacent to a respective member 205,207 among the run of shelving 201 to provide stabilizing support to an upper section 202 of a respective

unit of the run of shelving 201 (page 11, lines 11-20). As illustrated in FIGS. 8-9, shelf engaging portions 116 are mounted to a transverse element 96 (page 11, line 15 – page 12, line 3), and the transverse elements 94,96 are positioned such that a respective pair of indentations 213 of the respective members 205,207 are proximately positioned to the shelf engaging portions 116 (page 12, lines 1-8). As illustrated in FIG. 3, the length of the horizontal structural elements 22,24, which separate the transverse elements 94,96, may be varied using selected holes and passing bolts through the holes (page 8, lines 5-17; page 10, lines 5-15), thereby varying the separation of the transverse elements 94,96 until the shelf engaging portions 116 establish an interlocking engagement within the respective pair of indentations 213 (page 12, lines 1-8; page 15, lines 5-6). Although the specification describes the shelf engaging portions 116 of the shelf engaging or shelf stabilizing member 102, a respective shelf engaging portion is associated with each shelf engaging or shelf stabilizing member 98,100,102,104, as illustrated in FIG. 4.

Upon properly positioning the run of shelving 201 on the assembly 10, a valve 72 to the pressurized gas supply 68 is opened, to communicate pressurized gas at a pressure controlled by a regulator 70 to a contractable bladder 134 of each lifting device 126,128 for each shelving unit (page 13, lines 1-21). The lifting devices 126,128 may be positioned at varying distances from the ground, such as 12 inches, or 60 inches, for example (page 12, lines 15-17). As the pressurized gas expands the contractable bladder 134, an upward force is imparted by the contractable bladder 134, driving two lifting plates 132,136 upward, and also driving the horizontal structural elements 74 upward, based upon the interlocking contact of the shelf

engaging portions 116 and the shelving (page 13, lines 14-15). FIG. 9 illustrates a lowered position 215 of the run of shelving 201, and a raised position 217 of the run of shelving 201, after supplying pressurized gas to the contractable bladder 134, as discussed above. The run of shelving 201 is raised as the contractable bladder 134 expands, based on the continuous interlocking contact of the shelf engaging portions 116 with the respective pair of indentations 213, as illustrated in FIG.9 (page 13, line 15).

The shelving is lifted approximately one or two inches above the ground, so that the shelving is supported on the wheels 44 of the assembly 10. This will permit the shelving 201 to be rolled on the rollers to a suitable location (page 15, lines 15-17). Typically, one or two workers will push and guide the lifted shelving until the desired location is reached (page 15, lines 18-19). Once the shelving 201 has arrived at the desired location, a bleed valve is opened and a supply valve is closed, thereby allowing bleeding of gas pressure from the contractable bladder 134 (page 16, lines 3-4). This permits the contractable bladder 134 to collapse and the shelving to return to the floor (page 16, lines 3-6). Once the shelving has been relocated, the assembly 10 may be returned to another run of shelving to subsequently relocate that shelving using the same method (page 16, line 8).

Indeed, the specification does describe the claimed subject matter so as to enable one skilled in the art to make and/or use the invention. Accordingly, the rejection of claims 1-5 should be withdrawn.

Conclusion

In view of the remarks provided herein, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any further informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Dated: \_\_\_\_\_

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